

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION - CINCINNATI**

TOMMY E. ABNER,	:	Case No. 1:23-cv-229
	:	
Petitioner,	:	Judge Matthew W. McFarland
	:	Magistrate Judge Peter B. Silvain, Jr.
v.	:	
	:	
WARDEN, LONDON CORRECTIONAL	:	
INSTITUTION,	:	
	:	
Respondent.	:	

ENTRY AND ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 10)

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Peter V. Silvain, Jr. (Doc. 10), to whom this case is referred pursuant to 28 U.S.C. § 636(b). Noting that no objections have been filed and the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, the Court hereby **ADOPTS** said Report and Recommendation in its entirety.

Accordingly, the Court **ORDERS** the following:

1. Grounds One and Two are **DENIED**, and Petitioner Tommy E. Abner's Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) is **DISMISSED** with prejudice;
2. A certificate of appealability **SHALL NOT** be issued with respect to any grounds in the Petition because Abner has not stated a "viable claim of the denial of a constitutional right" or presented an issue

that is “adequate to deserve encouragement to proceed further.” See *Slack v. McDaniel*, 529 U.S. 473, 475 (2000) (citing *Barefoot v. Estelle*, 462 U.S. 880, 893 & n.4 (1983)); see also 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b);

3. The Court **CERTIFIES**, pursuant to 28 U.S.C. § 1915(a), that any appeal of this Order would not be taken in good faith and that Abner should be denied leave to appeal *in forma pauperis*; and
4. This case is **TERMINATED** from the Court’s docket.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

By: 
JUDGE MATTHEW W. McFARLAND